

REMARKS

The Invention

The invention is based on the identification of T-cell epitopes in Japanese pollen allergen molecules. Thus, the invention features peptides containing the T-cell epitopes, compositions containing peptides that are useful in immunotherapy of patients with spring tree pollinosis, analogs of the peptides, and methods of treatment and diagnosis using the peptides.

Telephone interviews

Applicants thank the Examiner for her courtesy and helpfulness in telephone interviews with Applicants' undersigned representative on May 2, 2005, and May 3, 2005. From the Office Action of February 11, 2005 (e.g., the "Status" section on page 1 and the comments on: page 2, line 3; page 3, lines 14-15; and page 4, lines 5-6), it seemed likely that in drafting the Office Action, the Examiner had considered the Supplemental Amendment filed on January 6, 2005, but not the Amendment and Response filed on November 16, 2004. In the telephone interview on May 3, 2005, the Examiner indicated that she had indeed not considered the Amendment and Response of November 16, 2004, in writing the Office Action of February 11, 2005, but that she did review the Amendment and Response between the telephone interviews with Applicants' undersigned representative on May 2 and 3, 2005.

Status of the claims

After entry of the amendments made herein claim 1, 5, 29-35, 38-47 will be pending and under consideration in this application.

35 U.S.C. § 112, first paragraph, rejection

Claims 41 and 42 stand rejected on the grounds that the specification allegedly does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims.

From the comments in the Office Action dated February 11, 2005, and the Office Action dated May 18, 2004, and those of the Examiner in the telephone interview of May 3, 2005, Applicants understand the Examiner's position to be that, even in view of the comments in the Amendment and Response of November 16, 2004, and the remarks of Applicants' undersigned representative in the telephone interview of May 3, 2005, "preventing pollinosis" (as recited in claims 41 and 42) is not enabled by the specification. Applicants strongly disagree with this position. Applicants emphasize, in addition to the considerations recited in the Amendment and Response of November 16, 2004, that patients with pollinosis generally suffer the pollen-induced allergic symptoms only during the pollen-scattering season. Applicants submit that, in view of the fact that the specification is enabling for "treating pollinosis" (as acknowledged by the Examiner; e.g., Office Action of February 11, 2005, page 2, lines 9-11), because of the above-described pattern of pollinosis symptoms, the specification also provides enablement for "preventing pollinosis."

Notwithstanding these considerations, in order to expedite prosecution of the instant application, Applicants have deleted the term "or preventing" from claims 41 and 42. Applicants note that the term "a patient that has pollinosis in the pollen-scattering season" includes a subject having no allergic symptoms at any time of the year other than the pollen-scattering season.

Applicants respectfully submit that the rejection is moot in light of the amendment of claims 41 and 42.

35 U.S.C. § 102(b) rejection

Claims 45-46 stand rejected as allegedly being anticipated by WO94/01560. Applicants respectfully traverse the rejection.

In the telephone interview of May 3, 2005, the Examiner told Applicants' undersigned representative that, in view of the comments in the Amendment and Response of November 16, 2005, she was withdrawing the rejection.

Thus, Applicants understand the rejection in the Office Action of February 11, 2005, to be moot.

Applicant : Kohsuke Kino et al.
Serial No. : 09/202,464
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Page : 10 of 10

Attorney's Docket No.: 14883-024001 / M1-805PCT-
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CONCLUSION

In summary, for the reasons set forth above, Applicants maintain that the claims under consideration patentably define the invention. Applicants request that the Examiner reconsider the rejections as set forth in the Office Action and permit the claims under consideration to pass to allowance.

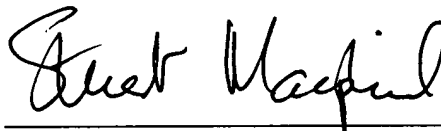
If the Examiner would like to discuss any of the issues raised in the Office Action, Applicants' undersigned representative can be reached at the telephone number listed below.

Please charge any fees or make any credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 14883-024001.

Respectfully submitted,

Date: _____

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